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Attorneys for Defendants
USAA CASUALTY

15 USA INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JEREMY R. WHITELEY,

CASE NO. 2:24-cv-00138-FLA-MAA

18

Plaintiff,

**JOINT STIPULATION
REGARDING DISPOSITIVE
MOTION BRIEFING SCHEDULE**

21 | USAA CASUALTY INSURANCE
COMPANY,

Complaint Filed: January 5, 2024

Defendants.

Plaintiff Jeremy R. Whiteley (“Plaintiff”) and Defendant USAA Casualty Insurance Company (“USAA CIC”) hereby agree and stipulate as follows:

WHEREAS the Court's Initial Scheduling Order (ECF No. 22) disallows the separate submission of cross-motions for summary judgment and requires the parties

to confer regarding the filing of summary judgment motions (*Id.* at 8-9);

1 WHEREAS the Court's Initial Scheduling Order permits the parties to
2 stipulate to a modified briefing schedule;

3 WHEREAS both parties intend to move for summary judgment as to all or part
4 of Plaintiff's breach of contract cause of action, and USAA CIC intends to move for
5 summary judgment as to all of Plaintiff's claims;

6 WHEREAS the parties have conferred and agreed that Defendant should be
7 permitted to file the opening brief for the Motion for Summary Judgment as to all
8 claims. The parties further agree that Plaintiff should be permitted to then file his
9 Opposition, which would treated and considered as a cross-motion for partial
10 summary judgment as to Defendant's duty to defend, an issue raised in Plaintiff's
11 breach of contract claim. Thereafter each party would have the opportunity to file
12 reply briefing within the scope of the claims or issues for which each party,
13 respectively, seeks summary judgment or partial summary judgment;

14 WHEREAS the parties have conferred regarding a modified briefing schedule
15 aligned with the requirements of the Initial Scheduling Order and agreed on a hearing
16 date;

17 NOW, THEREFORE, the parties hereby STIPULATE and AGREE, through
18 their respective counsel, to the following modified briefing schedule and hearing
19 date:

20 Defendant's Motion for Summary Judgment as to all 21 Causes of Action	January 31, 2025
22 Plaintiff's Opposition/Cross-Motion for Partial Summary 23 Judgment as to Defendant's Duty to Defend	February 14, 2025
24 Defendant's Reply in support of its Motion for Summary 25 Judgment as to all Causes of Action	February 21, 2025
26 Plaintiff's Sur-Reply in support of his Motion for Partial 27 Summary Judgment as to Defendant's Duty to Defend	February 28, 2025

Hearing	March 14, 2025
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3 SO STIPULATED.
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5 DATED: January 9, 2025

6 **McGUIRE WOODS LLP**

7 By _____
8 /s/Daria Clecicov
9 SHAUN H. CROSNER
DARIA CLECICOV

10 Attorneys for Plaintiff,
11 JEREMY R. WHITELEY

12 DATED: January 9, 2025

13 **DKM LAW GROUP, LLP**

14 By _____
15 /s/Joshua N. Kastan
JOSHUA N. KASTAN
JESSICA J. ROSS

16 Attorneys for Defendant,
17 USAA CASUALTY INSURANCE COMPANY

18 *I, Joshua N. Kastan, as the filer of the instant
19 Stipulation, hereby attest pursuant to L.R. 5-
20 4.3.4(a)(2)(i) that all signatories listed and on
21 whose behalf the filing is submitted concur in the
filing's content and have authorized the filing.